1943

File No. Town Plan II/43

Legal Department

B BRANCH

Subject:–

Rules and notifications under the Bombay Town Planning Act, 1915

(D) II/E

File No. Town Plan II/43

Gen. 194 e.

416-B

Office of the R.L.A.

A revised draft notification is sent herewith.

Id/- ...

Remembrancerof Legal Affairs.

U.R. to G.D., No.5922,

dated the 2nd September 1943.

JPE.13/7/56.4c.

1817

NOTIFICATION.

General Department.
Bombay Castle, 1943.

No.4482 of 1943.- Whereas by Government Notification in the General Department No.4482, dated the 16th July 1925, the Governmentof Bombay inm exercise of the powers conférred by section (1) of section 40 of the Bombay Town Plannigg Act, 1915 (Bom I of 1915), sanctioned theFinal Town Plannigg Scheme, Ahmedabad No. I (JamalPur), made by tho Ahmedabad Borough Municipality herein after called "the principal schéme";

And whereas the said Municipality, has, in exercise of the powers oonferred by sub-section (1) of section 46, read with sub-section (1) of section 9 of the said Act, by its resolution No.1540 dated the 4th October 1939, declared its intention to vary the principal schedme by making a new scheme (hereinafter referred to as the said scheme) in variation ofthe principal scheme in respect of the following particulars namely :-

(Here insert A.A on page 129 ante)

And whereas the said Municipality has, in accordanco with sub-section (2) of section 9 of the said Act, duly published at page 1993 of Part II of the Bombay Government Gazette, dated the 12th October 1939, a declaration of its intention to make the said scheme and applied to the Governmentof Bombay for sanction to the making of said scheme;

An whereas objections or suggestions relating to the making of the said scheme communicated in writing by persons affected by the said scheme d ly considered by the Government of Bombay;

Now, therefore, in exercise of the powers conferred by sub-section (6) of section 9 of the said

Act....

Act, the Government of Bombay is pleased to sanction the making of the said scheme subject to the following modifications and conditions, namely:-

(1)(a) F.P. No.17 shall be deleted from the group of plots proposed to be reserved for Timber depots; and (b) the figures '17' shall be deleted from the prpposed new Regulations 1 and 4 of the said scheme.

(ii) The reservation of Final Plot No.59 under the principal scheme for a maximum period of twenty years for a public recreation ground shall be cancelled and the said plot shall be acquired by the said Municipality at its own cost at the market rate prevailing on the date of the declaration of its intention to make the said scheme for constructing houses for the poor.

(iii) F. P. Nos. 24 and 25 hitherto included in the yellow zone which is proposed to be abolished under the said scheme shall now be included in the red zone.

By order of the Governor of Bombay,

Secretary to Government.

JPE.14/7/56.
4 copies.

Office of the R.L.A.

The draft notification at pages 15-16 ante, as amendded, is in order.

Id/- P.N.M.
11/10

Remembrancer of Legal Affairs.

U.R. to G.D.,No.6315,
dated the 12th October 1943.

JPE.14/7/56.
4 copies.

To be published in Part I of the Bombay Government Gazette and return with copies of the printed notifn.

Under Secretary to the Government of Bombay, General Department.

NOTIFICATION.
General Department,
Bombay Castle, October 1943.

Bombay Town Planning Act, 1915.

No.9529.- Whereas by Government Notification in the General Department No.9529, dated the 3rd August 1939, the Government of Bombay in exercise of the powers conferred by sub-section (1) of section 40 of the Bombay Town Planning Act, 1915 (Bom.I of 1915), sanctioned the final Poona Town Planning Scheme, No.II, made by the Poona City Borough Municipality, hereinafter called "the principal Scheme";

And whereas the said Municipality has, in exercise of the powers conferred by sub-section (1) of section 46, read with sub-section (1) of section 9 of the said Act, by its resolution No.163, dated the 8th July 1943, declared its intention to vary the pricipal scheme by making a new scheme (hereinafter referred to as "the said scheme") in variation of the principal scheme in respect of the following particulars, namely:-

(i) laying of 3" C.I.Pipes for water-lines,
(ii) improving the Mâlk-Nalha by covering the open channel with concrete slabs, and
(iii) certain other works and changes such as provision of sites for godowns for timber and other dangerous and offensive trade.

And whereas the said Municipality has, in accordance with sub-section (2) of section 9 of the said Act, duly published at pages 771-772 of Part II of the Bombay Government Gazette, dated the 22nd July 1943, a declaration of its intention to make the said scheme and applied to the Government of Bombay for sanction to the making of the said scheme;

And whereas no objections or suggestions in writing relating to the making of the said scheme have b en received by the Govt. of Bombay from any person likely to be affected by the said scheme;
Now threfore in exrcise of the powers conferred by sub-section (6) of section 9 of the said Act, the Government of Bombay is pleas to sanction the making of the said scheme.

By order of the Governor of Bombay
Under Secretary to Govt.

Office of the R.L.A.

A revised draft notification in place of the draft notification at pages 41-42 antels sent herewith.

Id/- ....

For Remembrancer of Legal Affairs.

U.R. to G.D.,No.7151,

dated the 26th October 1943.

JPE.14/7/56.
4 copies.

NOTIFICATION.
General Department,
Bombay Castle, 1943.

Bombay Town Planning Act, 1915.

No. Whereas by Government Notification in the General Department No.2048 dated the 30th September 1940 the Government of Bombay in exercise of the powers conferred by sub-section (2) of section 14 of the Bombay Town Planning Act, 1915 (Bom.I of 1915), hereinafter referred to as "the said Act" sanctioned the draft scheme submitted by the Poona Suburban Borough Municipality (hereinafter referred to as "the said Scheme") in variation of the Town Planning Scheme, Poona Suburban No.1 made by the said Municipality; and in exercise of the powers conferred by section 29 of the said Act also appointed an Arbitrator for thesaid Scheme.

And Whereas the said Arbitrator has submitted to the Government of Bombay through the said Municipality the final scheme, hereinafter referred to as "the said final scheme2, drawn up by him, as required by sub-section (10 of section 40 of the said Act;

Now, therefore, in exercise of the powers conferred by section 40 of the said Act the Government of Bombay is pleased to sanction the said final Scheme. The said final scheme shall be open to the inspection of the public at the office of the said municipality during its office hours on every day except Sundays and holidays and, printed copies of the said final Scheme will be obtainable at --*--- per copy.

The date on which all liabilities created by the said final Scheme shall take effect and the said final Scheme shall come into force shall be the ---------*-------- 1943.

By order of the Governor of Bombay,

Secretary to Government.

JPE.14/7/56.4c.

Office of the R.L.A.

By Government Notification, General Department No. 4418/3 dated 9th May 1942, the Government of Bombay sanctioned under section ((6) of the Bombay Town Planning Act the making of a town planning scheme in respect of a certain area to the south of Ahmednagar lying between the City of and the Railway Station. This is Town Planning Scheme, Ahmednagar, No.III(Original) After sanction to the making of the Scheme was obtained the Ahmednagar Municipality prepared and published on 21st April 1943, a draft scheme in respect of the said area. In the meantime in order to make the scheme economical and to prepare a co-ordinated lay out of roads, the Consulting Surveyor to Government advised the Municipality to include certain additional survey numbers in the scheme. The Municipality accordingly declared its intention to make a town planning scheme in respect of the additional area and published if for inviting objections and suggestions as required by sub-section (2) of section 9 of the Town Planning Act. No objections or suggestions were received by the Municipality and Municipality has now approached Government for giving its sanction to the making of the scheme -Scheme III(Additional). It is necessary that the two schemes, original and Additional, should be combined and therefore the Consulting Surveyor to Government suggests that while giving sanction to the Additional Scheme under section 9(6) Government should impose a condition that the Additional Scheme should be so prepared as to be in conformity with the Original Scheme sanctioned by Government under Notification No.4418 dated 9th May 1942 and that a combined scheme be submitted by the Municipality to Government. After such sanction is given the Municipality would publish the Additional Scheme under section 10(1) of the Act and after considering the objections and suggestions submit the two draft Schemes (Orignal and Additional) in a combined form for the sanction of Government under section 14.

In....

In order to enable the submission of the two Schemes in a combined form it has been decided to extend the date of the submission of the Original Scheme (which falls on 20th August 1943) by three months.

2. Since in respect of the Original Scheme, the stage of publication under section 10 has already been complied with, no substantial variation of the draft Scheme published is possible either under section 13 or under section 14. The said sections permit only modifications that is to say changes in incidental or subordinate features (see the word 'modify' in Black's Law Dictionary). Amalgamation with the Additional Scheme (which covers additional area) is a substantail variation of the Original Scheme which cannot be brought about by the device of imposing conditions while sanctioning the making of the Additional Scheme. The draft sanction notification at pages 17-18 is therefore not in order. Once a draft scheme is published under section 10 substantial variation seems possible only under the restricted provision of section 30(10) of the Act. It seems however unnecessary to resort to that provision. The object of G.D. is to secure a combined scheme in place of the Original and Additional Schemes, and thais can best be secured by scrapping both the schemes and advising the Municipality to proceed afresh with an amalgamated scheme. The termination of the present shcemmes can be achieved (1) refusing to sanction the making of the Additional Scheme under section 9(6) and (2) by refusing to sanction the draft original scheme under section 14(2) of the Act, after it is submitted to Government by the Municipality within the extend time.

Id/- P.N.M.
9/9

Remembrancer of Legal Affairs.

U.R. to G.D. 6099,
dated the 11th September 1943.

JPEX.14/7/56.4c

Draft

~~Draft~~ Notification

No. Whereas by Government Notification, General Department, No.4418/33 dated 9th May 1942, the Government of Bombay has under sub-section (6) of section 9 of the Bombay Town Planning Act, 1915, sanctioned the making of a town planning scheme by the Ahmednagar Borough Municipality in respect of certain areas, hereinafter called "the original Scheme".

And Whereas with a view to making the original scheme economical and to preparing a co-ordinated lay out of roads the said Municipality proposed the inclusion of certain additional survery numbers in the original scheme and for that purpose the said Municipality in exercise of the powers conferred by sub-section (1) of section 9 of the said Act by its resolution declared its intetion to make a town planning scheme in respect of the following survery numbers, namely :-

Survey Numbers 11, 19, 21, 22, 23, 29, 45, 47 and 48 of Chahurana Bidril-
Survesy Numbers 143 of Maliwada.
Survery Numbers 358 to 362 of Bhingar;

And whereas the said Municipality has in accordance with sub-section (2) of section 9 of the said Act duly published at page 354 of Part II of the Bombay Government Gazette dated the 15th April 1913 a declaration of its intention to make the said scheme and applied to the Government of Bombay for sanction to the making of the said scheme, hereinafter called "the additional scheme";

And whereas it is expedient to proceed afresh for the purpose of making a combined scheme in place of the original and additional ~~shemes~~ schemes;

Now therefore in exercise of the powers conferred by Sub-section(6)of section 9 of the said Act the Govt. of Bombay is pleased to refurse sanction to the making of the additional scheme.

By order of the Governor of B'bay.

JPE. 14/7/56.4c. Secretary to Governmen'

Office of the R.L.A.

A revised draft notification in place of the notification at pages 37-38 ante is sent herewith.

Ld/- P:N.M.
27/10

Remembrancer of Legal Affairs

U.R. to G.D. No.7175,
dated the 27th October 1943.

JPE.14/7/56
4 copies.